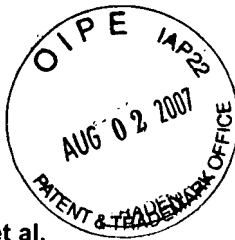


Mail Stop: APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Docket No.: 588.1035
Date: July 30, 2007

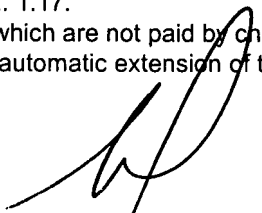
AF
D

In re application of: **Gerd AHNERT et al.**
Serial No.: 10/507,440
Filed: September 13, 2004 as national phase of International
Application No. PCT/DE03/00994, filed March 26, 2003
For: **TWIN CLUTCH SYSTEM FOR A TRANSMISSION,
PARTICULARLY FOR A TWIN CLUTCH TRANSMISSION**

Sir:

Transmitted herewith is an **Appellants' Brief Under 37 C.F.R. §41.37 (10pages)** in the above-identified application.

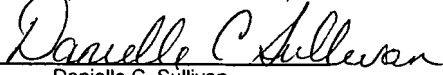
- [X] Also transmitted herewith are:
[] Petition for extension of time under 37 C.F.R. 1.136
[X] Other: Return Receipt Postcard
- [X] Check(s) in the amount of **\$500.00** is/are attached to cover:
[] Filing fee for additional claims under 37 C.F.R. 1.16
[] Petition fee for extension under 37 C.F.R. 1.136
[X] Other: Filing Fee for Appeal Brief
- [X] The Assistant Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- [X] Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
- [X] Any patent application processing fees under 37 C.F.R. 1.17.
- [X] Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.

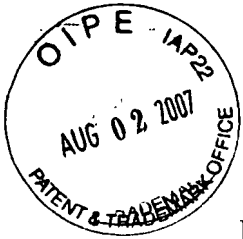

Cary S. Kappel, Reg. No. 36,561
DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
Tel: (212) 736-1940
Fax: (212) 736-2427

I hereby certify that the documents referred to as attached therein and/or transmitted herewith and/or fee(s) are being deposited with the United States Postal Service as "first class mail" with sufficient postage in an envelope addressed to "Mail Stop: APPEAL BRIEF - PATENTS Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450" on July 30, 2007.

DAVIDSON, DAVIDSON & KAPPEL, LLC

BY:


Danielle C. Sullivan



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Re: Application of: Gerd AHNERT, et al.
Serial No.: 10/507,440
Filed: 09/13/2004 as National Phase of International Application
No. PCT/DE2003/00994, filed 03/26/2003
For: TWIN CLUTCH SYSTEM FOR A TRANSMISSION,
PARTICULARLY FOR A TWIN CLUTCH
TRANSMISSION
Art Unit: 3681
Examiner: Rodney H. Bonck

Mail Stop: APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 30, 2007

APPELLANTS' BRIEF UNDER 37 C.F.R. § 41.37

Sir:

Appellants submit this brief for the consideration of the Board of Patent Appeals and Interferences (the "Board") in support of their appeal of the Advisory Action dated July 13, 2007 and the Final Rejection dated February 28, 2007 in this application. The statutory fee of \$500.00 is submitted concurrently herewith. If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

1. REAL PARTY IN INTEREST

The real party in interest is Luk Lamellen und Kupplungsbau Beteiligungs KG, a German corporation having a place of business in Buehl, Germany, and the assignee of the entire right, title and interest in the above-identified patent application. The invention was assigned to Luk Lamellen und Kupplungsbau Beteiligungs KG, by a chain of assignments originating from inventors Ahnert and Pollack.

2. RELATED APPEALS AND INTERFERENCES

Appellants, their legal representatives, and assignee are not aware of any appeal or interference that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.

3. STATUS OF CLAIMS

Claims 8 to 15 were pending. Claims 1 to 7 have been canceled. Claims 8 to 15 have been finally rejected as per the Final Office Action dated February 28, 2007.

The rejection to claims 8 to 15 thus is appealed. A copy of appealed claims 8 to 15 is attached hereto as Appendix A.

4. STATUS OF AMENDMENTS

In response to the Final Office Action dated February 28, 2007, no amendments have been made.

A Notice of Appeal was filed on May 24, 2007, and received by the U.S.P.T.O. on May 29, 2007.

5. SUMMARY OF THE CLAIMED SUBJECT MATTER

Independent claim 8 recites a twin-clutch system for a transmission, comprising: at least two clutches (for example, first clutch 101 and second clutch 102, Figure 1, for example, page 2, paragraph [0010], lines 1 to 3), a clutch cover (for example, clutch covers 103 and 104, Figure 1, for example, page 2, paragraph [0010], line 3) mounted at each one of the at least two clutches

(for example, first clutch 101 and clutch cover 103 and second clutch 102 and clutch cover 104, Figure 1, for example, page 2, paragraph [0011] lines 2 to 4); at least one clutch-release system arranged to actuate the at least two clutches (for example, clutch-release system 109, Figure 1, for example, page 2, paragraph [0010], lines 6 to 7); the at least one clutch-release system being secured to at least one of the clutch covers (for example, clutch-release system 109, Figure 1), and; a fastening member for coupling the clutch covers to one another (for example, connecting element 110, Figure 1, for example, page 2, paragraph [0011], lines 2 to 4), the fastening member coupling the clutch covers to one another and spacing the clutch covers from one another (for example, fastening member 110, clutch cover 103 and clutch cover 104, page 2, paragraph [0011], lines 1 to 4).

6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 8 to 10, 14 and 15 should be rejected under 35 U.S.C. §102(b) as being anticipated by Basso (FR 2807481). Whether claims 8 to 15 should be rejected under 35 U.S.C. §102(b) as being anticipated by Rispeter et al. (US 4,966,270).

7. ARGUMENTS

Rejections under 35 U.S.C. §102(b)

Claims 8 to 10, 14 and 15 were rejected under 35 U.S.C. §102(b) as being anticipated by Basso (FR 2807481 A1).

Basso shows a clutch assembly that comprises a clutch plate (49) integral in rotation with the inertia wheel (11), two discs (40,41) placed either side of the plate and mounted integral in rotation with two primary shafts (2,3). Two pushing elements (42,43) can press the discs against the plate and are actuated by two diaphragms (44,45) integral in rotation with the wheel (11). (See, e.g. Abstract and Figure 1 of Basso).

Claim 8 recites “a twin-clutch system for a transmission, comprising:

at least two clutches;

a clutch cover mounted at each one of the at least two clutches;

at least one clutch-release system arranged to actuate the at least two clutches;

the at least one clutch-release system being secured to at least one of the clutch covers,

and;

a fastening member for coupling the clutch covers to one another, the fastening member coupling the clutch covers to one another and spacing the clutch covers from one another.”

It is respectfully submitted that Basso does not teach or disclose “a fastening member for coupling the clutch covers to one another, the fastening member coupling the clutch covers to one another and spacing the clutch covers from one another” as claimed in claim 8. As can be seen in Figure 1 of Basso, fastening member 14 does not space clutch covers 46 and 47 from one another. The claim specifically required that the fastening member space the clutch covers. Element 49 is not a fastening member, nor has it been asserted as one. The Examiner asserts “holding the clutch covers together at a particular spacing,” is sufficient to meet the claim, however this is not true. Element 14, bolt, does not create the space between clutch cover 46 and 47.

Withdrawal of the rejection to claim 8 and its dependent claims under 35 U.S.C. §102(b) as being anticipated by Basso thus is respectfully requested.

Claims 8 to 15 have been rejected under 35 U.S.C. §102(b) as being anticipated by Rispetter et al. (US 4,966,270).

Rispetter et al. shows a “hydraulically operated double clutch for a motor vehicle is used for the alternating coupling of a central shaft and a hollow shaft, which is concentric to this central shaft, of a speed change gear with the clutch housing driven by the engine output shaft.” See, e.g. Abstract of Rispetter. “By means of six through bolts 8 distributed over the circumference as well as hexagon socket screws 9, 10, the casing part 2, the lateral plate 4, 6 and the cover plates 5, 7 are screwed together to form a compact clutch housing 1.” See col. 2, lines 48 to 53 and Figures 2 and 4 of Rispetter.

Claim 8 recites “a twin-clutch system for a transmission, comprising:
 at least two clutches;
 a clutch cover mounted at each one of the at least two clutches;
 at least one clutch-release system arranged to actuate the at least two clutches;
 the at least one clutch-release system being secured to at least one of the clutch covers,
 and;
 a fastening member for coupling the clutch covers to one another, the fastening member

coupling the clutch covers to one another and spacing the clutch covers from one another.

It is respectfully submitted that Rispeter does not teach or disclose “a fastening member for coupling the clutch covers to one another, the fastening member coupling the clutch covers to one another and *spacing the clutch covers from one another*” as claimed in claim 8. As can be seen in Figures 2 and 4 of Rispeter, bolt 8 does not space any clutch covers from each other. Casing part 2 is not a fastening member, nor has it been asserted as one.

Withdrawal of the rejection to claim 8 and its dependent claims under 35 U.S.C. §102(b) as being anticipated by Rispeter et al. thus is respectfully requested.

Claim 13 Argued Separately

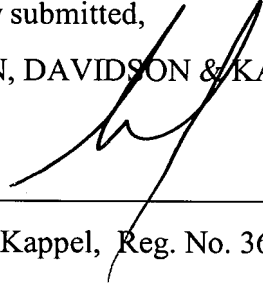
Claim 13 recites “wherein each receiving section comprises an annular groove.”

Bolt 8 of Rispeter does not include a receiving section that comprises an annular groove, as claimed.

CONCLUSION

It is respectfully submitted that the application is in condition for allowance. Favorable consideration of this appeal brief is respectfully requested.

Respectfully submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
Cary S. Kappel, Reg. No. 36,561

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, NY 10018
Tel: (212) 736-1940
Fax: (212) 736-2427

APPENDIX A:

PENDING CLAIMS 8 to 15 OF U.S.
APPLICATION SERIAL NO. 10/507,440

Claim 8 (previously presented): A twin-clutch system for a transmission, comprising:

at least two clutches;

a clutch cover mounted at each one of the at least two clutches;

at least one clutch-release system arranged to actuate the at least two clutches;

the at least one clutch-release system being secured to at least one of the clutch covers,

and;

a fastening member for coupling the clutch covers to one another, the fastening member coupling the clutch covers to one another and spacing the clutch covers from one another.

Claim 9 (original): The twin-clutch system of claim 8, wherein the fastening member comprises at least one connecting element arranged to interconnect the clutch covers to one another.

Claim 10 (original): The twin-clutch system of claim 9, wherein the connecting element comprises a bolt-shaped connecting element.

Claim 11 (original): The twin-clutch system of claim 10, wherein the bolt-shaped connecting element has two ends, each end being fastened to a respective clutch cover.

Claim 12 (original): The twin-clutch system of claim 11, wherein each end of the bolt-shaped connecting element includes a receiving section.

Claim 13 (original): The twin-clutch system of claim 12, wherein each receiving section comprises an annular groove.

Claim 14 (original): The twin-clutch system of claim 8, further comprising a housing for the twin-clutch system, and wherein each clutch cover is fastened to the housing.

Claim 15 (original): The twin-clutch system of claim 8, wherein the transmission is a twin-clutch transmission.

APPENDIX B

Evidence Appendix under 37 C.F.R. §41.37(c)(ix):

No evidence pursuant to 37 C.F.R. §§1.130, 1.131 or 1.132 and relied upon in the appeal has been submitted by appellants or entered by the examiner.

APPENDIX C

Related proceedings appendix under 37 C.F.R. §41.37(c)(x):

As stated in “2. RELATED APPEALS AND INTERFERENCES” of this appeal brief, appellants, their legal representatives, and assignee are not aware of any appeal or interference that directly affects, will be directly affected by, or will have a bearing on the Board's decision in this appeal.